

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH

NOTIFICATION OF ENHANCEMENT – USE HANDHELD DEVICE WHILE OPERATING VEHICLE

Defendant: _____, Case No. _____

IF YOU ARE CONVICTED of the offense of Using Handheld Device While Operating Vehicle, this conviction may be used to make a later offense more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of you current charges. It does not notify you of other collateral consequences.

ELEMENTS

41-6a-1716(2): Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually: (a) write, send, or read a written communication, including a text message, an instant message, or electronic mail; (b) dial a phone number; (c) access the Internet; (d) view or record video; or (e) enter data into a handheld wireless communication device.

(3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle: (a) when using a handheld communication device for voice communication; (b) to view a global positioning or navigation device or a global positioning or navigation application; (c) during a medical emergency; (d) when reporting a safety hazard or requesting assistance relating to a safety hazard; (e) when reporting criminal activity or requesting assistance relating to a criminal activity; (f) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer’s or emergency service personnel’s employment; or (g) to operate: (i) hands-free or voice operated technology; or (ii) a system that is physically or electronically integrated into the motor vehicle.

41-6a-1716(1): (a) “Handheld wireless communication device” means a handheld device used for the transfer of information without the use of electronic conductor or wires. (b) “Handheld wireless communication device” includes a: (i) wireless telephone; (ii) text messaging device; (iii) laptop; or (iv) any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.

ENHANCEMENT / PENALTIES

41-6a-1716(4): A person convicted of a violation of this section is guilty of a: (a) class C misdemeanor with a maximum fine of \$100; or (b) class B misdemeanor if the person: (i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section; or (ii) has a prior conviction under this section, that is within three years of: (A) the current conviction under this section; or (B) the commission of the offense upon which the current conviction is based.

Minimum/Maximum Sentence

Class C Misdemeanor: 0 to 90 days jail AND/OR \$0 to \$100.00 fine, plus interest
Class B Misdemeanor: 0 days to 6 months jail AND/OR \$0 to \$1,950 fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant’s signature)